
HOUSE BILL No. 1091

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3-12.

Synopsis: Animal cruelty. Makes torturing an animal a Class D felony instead of a Class A misdemeanor. Provides that a person who unjustifiably kills an animal commits cruelty to an animal, a Class D felony.

Effective: July 1, 2002.

Atterholt, Kruzan

January 8, 2002, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1091

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) **This section**
3 **does not apply to a person who euthanizes an injured, a sick, a**
4 **homeless, or an unwanted domestic animal if:**

5 (1) **the person is employed by a humane society, an animal**
6 **control agency, or a governmental entity operating an animal**
7 **shelter or other animal impounding facility; and**

8 (2) **the person euthanized the domestic animal in accordance**
9 **with guidelines adopted by the humane society, animal control**
10 **agency, or governmental entity operating the animal shelter**
11 **or other animal impounding facility.**

12 (b) **A person who knowingly or intentionally tortures, beats, or**
13 **mutilates, or kills a vertebrate animal commits cruelty to an animal, a**
14 **Class A misdemeanor. However, the offense is a Class D felony if the**
15 **person has a previous, unrelated conviction under this section. Class**
16 **D felony.**

17 (c) **It is a defense to a prosecution under this section that the**



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1 accused person:
2 (1) reasonably believes the conduct was necessary to:
3 (A) prevent injury to the accused person or another person;
4 (B) protect the property of the accused person from destruction
5 or substantial damage; or
6 (C) prevent a seriously injured vertebrate animal from
7 prolonged suffering; or
8 (2) engaged in a reasonable and recognized act of training,
9 handling, or disciplining the vertebrate animal.
10 SECTION 2. [EFFECTIVE JULY 1, 2002] IC 35-46-3-12, as
11 amended by this act, applies only to crimes committed after June
12 30, 2002.

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